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In re Application of BONNEY et al
U.S. Application No.: 10/031,798
Int. Application No.: PCT/EP00/03517
Int. Filing Date: 19 April 2000
Priority Date: 24 April 1999
Attorney Docket No.: PG3681WO
For: METHOD FOR MAKING A
BUSTER PACKAGE

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 03 May 2002.

BACKGROUND

On 19 April 2000, applicant filed international application PCT/EP00/03517, which claimed priority of an earlier United Kingdom application filed 24 April 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 02 November 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 28 October 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 24 October 2001.

International application PCT/EP00/03517 became abandoned as to the United States at midnight on 24 October 2001 for failure to pay the basic national fee.

On 26 October 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US).

On 19 April 2002, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely file the basic national fee.

On 03 May 2002, applicant filed the present petition. The petition states that it is accompanied by the petition fee set forth in 37 CFR 1.17(m) and a statement that abandonment of the application was unintentional.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application has an international filing date of 19 April 2000 and a date under 35 U.S.C. 371 of 03 May 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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